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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,742	02/18/2004	Go Miya	648.42568VX1	2055
20457	7590	01/12/2006	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			KACKAR, RAM N	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,742

Applicant(s)

MIYA ET AL.

Examiner

Ram N. Kackar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**2. Claims 8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lam et al (US 6,825,920).**

Lam et al teach a plasma processing method and determination of chamber seasoning condition (Abstract) comprising a process chamber (Fig 2); a light-receiving part (50) for monitoring a plasma emission in the process chamber; a radiation emission processor such as an optical emission spectrometer (Col 4 lines 52-67); an a plasma process analyzer such as a computer for receiving and storing the digitized signals from the processor (55), analyzing the data and controlling the apparatus (Col 2 lines 25-37), the plasma processing method comprises monitoring of the process using *multivariate statistical analysis of plasma emission spectra* including: a step of converting the multi-channel signal output from the spectrometer unit into a series (*batch*) of output signals; and performing a principal component analysis on the data which includes finding the differences (Col 11 62- Col 12 line 17) between the output signal collected during the processing intervals (*preceding batch*) (Col 7 lines 16- Col 11 line 30); and comparing the differences to a threshold (Claim10). Lam et al disclose determination of differences from substrate to substrate (Col 11 lines 1-10) and compare it with a threshold (Fig 13-790 and Col 2 lines 26-37) and teach that the differences could be from the output of substrate run to PCA model (Principal Component analysis-multivariate analysis Col 10 lines 45-59) and undergo statistical analysis like standard deviation (Col 9 lines 1-12). Further Lam et al disclose that the seasoning state is determined by comparing the principal component scores (Col 12 lines 7-16).

Lam et al do not explicitly disclose average and difference of Maximum and Minimum difference of PCA.

However, since determination of average and difference of maximum and minimum is essential for finding variance and therefore a measure of the process condition (Seasoning), it is inherently determined in addition to standard deviation as discloses by Lam et al.

Further it should be noted that Lam et al disclose determining Principal Component Scores and disclose determining seasoning condition by mathematically comparing these scores from substrates to substrate any specific mathematical computation would only be an obvious variation ( Col 10 line 45 to Col 11 line 30).

Regarding the amendment of a step of determining an average value or a difference in one batch or standard deviation, this does not change the scope of these claims and the rejection is still proper.

**3. Claims 9 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lam et al (US 6,825,920) in view of admitted prior art (Fig. 13, 14 and pages 1-11) and Kaji et al (US 6,716,300 B2).**

Lam et al teach a method of monitoring the status of a seasoning process using optical emission spectrometry techniques as discussed above.

Lam et al fail to teach a step of performing evacuation after a wet cleaning; a step of automatically determining whether a degree of vacuum is adequate or not.

Admitted prior art (page 6) teaches a step of evacuating the process chamber after a wet cleaning step, wherein the chamber is evacuated to a predetermined degree of vacuum before a step of dry cleaning is carried out.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the wet cleaning step and the evacuation step as taught by the admitted prior art in the plasma processing method of Le et al in order to clean and maintain the chamber under a predetermined evacuation level suitable before the step of plasma processing the wafer.

Lam et al also fail to teach a step of automatically determining whether there is an apparatus abnormality or not.

Kaji et al teach a method of monitoring a plasma processing apparatus using optical emission spectrometry, wherein an abnormality of the plasma processing is prevented in advance by issuing an abnormality signal, an alarm display or terminating a succeeding treatment in the case where the rate of the change should exceed a predetermined value (column 11, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the step of determining the abnormality as taught by Kaji et al in the method of Lam et al in order to terminate a succeeding treatment when an abnormality in the processing of the apparatus is detected.

Regarding the amendment of a step of determining an average value or a difference in one batch or standard deviation as discussed above, this does not change the scope of these claims and the rejection is still proper.

### ***Response to Arguments***

Applicant's arguments filed 2/17/2005 have been fully considered but they are not persuasive.

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Applicant's arguments in view of newly added amendments, which do not change the scope of these claims, have been addressed in the rejection above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N. Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571 272 1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ram Kackar  
Primary Examiner AU 1763